REMARKS

Claims 1-10, 12-21, and 23-26 are pending. By the present Amendment, Claims 1, 6, 8, 12, and 23 are amended and Claims 5, 7, 25, and 26 are canceled, leaving Claims 2-4, 9, 10, 13-21, and 24 unchanged. Claims 11 and 22 were previously canceled.

Rejections Under 35 U.S.C. § 103(a)

Claims 1, 12, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,021,573 ("Kikuchi") in view of U.S. Design Patent No. D337,303 ("Nagel"). Claims 2-8, 10, 13-19, 21, and 24-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikuchi and Nagel and further in view of U.S. Patent No. 6,102,134. Claims 9 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikuchi and Nagel and further in view of U.S. Patent No. 4,976,173 ("Yang"). Reconsideration is respectfully requested.

Independent Claim 1 and dependent Claims 2-4, 6, and 8-10

Claim 1 recites a power tool comprising, a body housing a motor and a drive mechanism driven by the motor and providing a first grip surface, the body having a rearward end and defining a body axis, a hand grip connected to the rearward end of the body, the hand grip providing a second grip surface and being supported for movement relative to the body between a first position, in which the first grip surface and the second grip surface are generally aligned, a second position, in which the second grip surface defines an obtuse angle with respect to the body axis, and a third position, in which the second grip surface is generally perpendicular to the first grip surface, a locking mechanism for selectively locking the hand grip in each of the first position, the second position, and the third position, the locking mechanism moveable between a locked condition, in which the locking mechanism prevents movement of the hand grip relative to the body, and an unlocked condition, and an actuator for moving the locking mechanism between the locked condition and the unlocked condition, the locking mechanism allowing pivoting movement of the hand grip between the first, second, and third positions only when the actuator is actuated by an operator, wherein the power tool is a reciprocating saw, and wherein the reciprocating saw further comprises a reciprocating spindle for supporting a tool element, the drive mechanism being operably connected to the spindle for causing reciprocation of the spindle.

Assuming *arguendo* that it would have been obvious to one having ordinary skill in the art to combine the disparate teachings of the integrally-formed reciprocating saw of Kikuchi with the hand-held electric screwdrivers of Nagel, Alsruhe, and Yang, Kikuchi, Nagel, Alsruhe, and Yang still do not teach or suggest all of the required elements of Claim 1. Specifically, neither Kikuchi, Nagel, Alsruhe, nor Yang, alone or in combination, teach or suggest a power tool including, among other things, a locking mechanism allowing pivoting movement of the hand grip between first, second, and third positions *only* when an actuator is actuated by an operator. As noted by the Examiner, the power tool of Kikuchi when modified by Nagel still lacks a locking mechanism and an actuator.

Alsruhe does not cure the deficiencies of Kikuchi and Nagel. Rather, Alsruhe discloses an activation member 70 biased by a spring 80 to guide a pin 90 into detents 46, 48 of a screwdriver 10. The first detent 46 retains the screwdriver 10 in an inline position (Fig. 4), while the second detent 48 retains the screwdriver 10 in a bent position (Fig. 6). As shown in Fig. 5 of Alsruhe, to move the screwdriver 10 from the inline position to the bent position, the pin 90 moves out of the first detent 46, rides along a cam surface 50, and moves into the second detent 48. To accomplish this movement, an operator is only required to quickly flip the first housing 12 downwardly relative to the second housing 14 with a rapid movement of his/her wrist. During this movement, the operator does not move the activation member 70 to release the pin 90 from the first detent 46. Instead, by forcibly pivoting (i.e., without manually sliding or even contacting the activation member 70) the first housing member 12 relative to the second housing member 14, the pin 90 is moved out of the first detent 46 and rides along the cam surface 50, causing the activation member 70 to move rearwardly against the bias of the spring 80. Accordingly, the activation member 70 of the screwdriver 10 of Alsruhe is not capable of "moving the locking mechanism between the locked condition and the unlocked condition," as required by Claim 1. Moreover, the screwdriver of Alsruhe does not include a "locking mechanism allowing pivoting movement of the hand grip between the first, second, and third positions only when the actuator is actuated by an operator." On the contrary, as explained above, a simple flipping motion is all that is required to move the first housing 12 relative to the second housing 14 of the screwdriver 10 of Alsruhe.

Such an arrangement, while desirable for a power screwdriver, is not desirable for a reciprocating saw. With a power screwdriver, an operator may wish to quickly switch between

positions (e.g., inline and bent) by simply flicking his/her wrist or forcibly pivoting one housing member relative to another housing member. Power screwdrivers are generally lightweight making such "automatic" pivoting possible. In addition, power screwdrivers generally do not include sharp saw blades such that, if an operator did accidentally pivot the screwdriver, the screwdriver would cause minimal (if any) damage to the operator and/or the surrounding environment.

In contrast, "automatic" pivoting is highly undesirable for reciprocating saws. First, reciprocating saws are generally heavier than screwdrivers, making wrist flicking physically difficult, if not impossible, to accomplish. Second, if a reciprocating saw did accidentally pivot, the reciprocating saw could cause catastrophic damage to an operator and/or the surrounding environment. Third, if a reciprocating saw did include a biasing member that is strong enough to bias a locking mechanism to prevent accidental pivoting, the biasing member would have a stiffness too great for many operators to forcibly overcome without an actuator. Therefore, a positive locking force (such as that provided by the recited locking mechanism) that can *only* be released by the operator (such as by actuating the recited actuator) is likely to be a hindrance for operation of an electric screwdriver. Conversely, such a positive locking force is highly desired for the reciprocating saw of the present invention.

Yang does not cure the deficiencies of Kikuchi, Nagel, and Alsruhe. Namely, Yang does not disclose a locking mechanism or an actuator and is not used by the Examiner for this part of the rejection.

Accordingly, Claim 1 is allowable. Claims 2-4, 6, and 8-10 depend from Claim 1 and are allowable for the same, and other, reasons.

Independent Claim 12 and dependent Claims 13-21

Claim 12 recites a power tool comprising a body housing a motor and a drive mechanism driven by the motor, the body having a rearward end, a hand grip connected to the rearward end of the body, the hand grip being supported for movement relative to the body, a locking mechanism for locking the hand grip in a position relative to the body, the locking mechanism having a locked condition, in which the locking mechanism prevents movement of the hand grip relative to the body, and an unlocked position, and an actuator extending outwardly from one of the body and the hand grip and operable to move the locking mechanism between the locked

condition and the unlocked condition, wherein the body provides a first grip surface and defines a body axis, wherein the hand grip provides a second grip surface, and wherein the hand grip is supported for movement relative to the body toward a position, in which the second grip surface is generally perpendicular to the first grip surface, wherein the hand grip is movable relative to the body only when an operator actuates the actuator to move the locking mechanism to the unlocked position, and wherein the power tool is a reciprocating saw, and wherein the reciprocating saw further comprises a reciprocating spindle for supporting a tool element, the drive mechanism being operably connected to the spindle for causing reciprocation of the spindle.

Assuming *arguendo* that it would have been obvious to one having ordinary skill in the art to combine the disparate teachings of the integrally-formed reciprocating saw of Kikuchi with the hand-held electric screwdrivers of Nagel, Alsruhe, and Yang, Kikuchi, Nagel, Alsruhe, and Yang still do not teach or suggest all of the required elements of Claim 12. Specifically, neither Kikuchi, Nagel, Alsruhe, nor Yang, alone or in combination, teach or suggest a power tool including, among other things, an actuator extending outwardly from one of a body and a hand grip, and the hand grip movable relative to the body *only* when an operator actuates the actuator to move a locking mechanism to an unlocked position. As noted by the Examiner, the power tool of Kikuchi when modified by Nagel still lacks a locking mechanism and an actuator.

Alsruhe does not cure the deficiencies of Kikuchi and Nagel. Rather, Alsruhe discloses an activation member 70 biased by a spring 80 to guide a pin 90 into detents 46, 48 of a screwdriver 10. The first detent 46 retains the screwdriver 10 in an inline position (Fig. 4), while the second detent 48 retains the screwdriver 10 in a bent position (Fig. 6). As shown in Fig. 5 of Alsruhe, to move the screwdriver 10 from the inline position to the bent position, the pin 90 moves out of the first detent 46, rides along a cam surface 50, and moves into the second detent 48. To accomplish this movement, an operator is only required to quickly flip the first housing 12 downwardly relative to the second housing 14 with a rapid movement of his/her wrist. During this movement, the operator does not move the activation member 70 to release the pin 90 from the first detent 46. Instead, by forcibly pivoting (i.e., without manually sliding or even contacting the activation member 70) the first housing member 12 relative to the second housing member 14, the pin 90 is moved out of the first detent 46 and rides along the cam surface 50, causing the activation member 70 to move rearwardly against the bias of the spring 80.

Accordingly, the screwdriver 10 of Alsruhe is moveable between a straight configuration and a bent configuration even when the activation member 70 is not engaged by an operator, contrary to the teachings of the present invention as recited in Claim 12. Moreover, as explained above, a simple flipping motion is all that is required to move the first housing 12 relative to the second housing 14 of the screwdriver 10 of Alsruhe.

Such an arrangement, while desirable for a power screwdriver, is not desirable for a reciprocating saw. With a power screwdriver, an operator may wish to quickly switch between positions (e.g., inline and bent) by simply flicking his/her wrist or forcibly pivoting one housing member relative to another housing member. Power screwdrivers are generally lightweight making such "automatic" pivoting possible. In addition, power screwdrivers generally do not include sharp saw blades such that, if an operator did accidentally pivot the screwdriver, the screwdriver would cause minimal (if any) damage to the operator and/or the surrounding environment.

In contrast, "automatic" pivoting is highly undesirable for reciprocating saws. First, reciprocating saws are generally heavier than screwdrivers, making wrist flicking physically difficult, if not impossible, to accomplish. Second, if a reciprocating saw did accidentally pivot, the reciprocating saw could cause catastrophic damage to an operator and/or the surrounding environment. Third, if a reciprocating saw did include a biasing member that is strong enough to bias a locking mechanism to prevent accidental pivoting, the biasing member would have a stiffness too great for many operators to forcibly overcome without an actuator. Therefore, a positive locking force (such as that provided by the recited locking mechanism) that can *only* be released by the operator (such as by actuating the recited actuator) is likely to be a hindrance for operation of an electric screwdriver. Conversely, such a positive locking force is highly desired for the reciprocating saw of the present invention.

Moreover, having an actuator extending outwardly from one of the body and the hand grip helps an operator engage and actuate the actuator. Rather, the operator must stick one or more fingers through a relatively small opening and then actuate the actuator, creating a needlessly complex operation. Therefore, it is desirable to have an actuator that extends outwardly from one of the body and the hand grip to facilitate actuation for an operator.

Yang does not cure the deficiencies of Kikuchi, Nagel, and Alsruhe. Namely, Yang does not disclose a locking mechanism or an actuator and is not used by the Examiner for this part of the rejection.

Accordingly, Claim 12 is allowable. Claims 13-21 depend from Claim 12 and are allowable for the same, and other, reasons.

Independent Claim 23 and dependent Claim 24

Claim 23 recites a method of operating a power tool, the power tool including a body housing a motor and a drive mechanism driven by the motor and providing a first grip surface, the body having a rearward end and defining a body axis, a hand grip connected to the rearward end of the body, the hand grip providing a second grip surface and being supported for movement relative to the body, a locking mechanism operable to lock the hand grip in a position relative to the body, an actuator operable to move the locking mechanism from a locked condition to an unlocked condition, and a reciprocating spindle for supporting a tool element, said method comprising the acts of positioning the hand grip in a first position in which the first grip surface and the second grip surface are generally aligned, operating the power tool in the first position, moving the hand grip relative to the body to a second position in which the second grip surface defines an obtuse angle with respect to the body axis, operating the power tool in the second position, moving the hand grip relative to the body to a third position in which the second grip surface is generally perpendicular to the first grip surface, operating the power tool in the third position, moving the locking mechanism between the locked condition, in which the locking mechanism prevents movement of the hand grip relative to the body, and the unlocked condition, and moving the actuator to move the locking mechanism between the locked condition and the unlocked condition, wherein operating the power tool in the first, second, and third positions includes reciprocating one of the tool element and the spindle relative to the body, and wherein the hand grip is movable relative to the body to the first position, the second position, and the third position only when an operator actuates the actuator to move the locking mechanism to the unlocked condition.

Assuming *arguendo* that it would have been obvious to one having ordinary skill in the art to combine the disparate teachings of the integrally-formed reciprocating saw of Kikuchi with the hand-held electric screwdrivers of Nagel, Alsruhe, and Yang, Kikuchi, Nagel, Alsruhe, and

Yang still do not teach or suggest all of the required elements of Claim 12. Specifically, neither Kikuchi, Nagel, Alsruhe, nor Yang, alone or in combination, teach or suggest a power tool including, among other things, a hand grip that is movable relative to a body to a first position, a second position, and a third position *only* when an operator actuates an actuator to move a locking mechanism to an unlocked condition. As noted by the Examiner, the power tool of Kikuchi when modified by Nagel still lacks a locking mechanism and an actuator.

Alsruhe does not cure the deficiencies of Kikuchi and Nagel. Rather, Alsruhe discloses an activation member 70 biased by a spring 80 to guide a pin 90 into detents 46, 48 of a screwdriver 10. The first detent 46 retains the screwdriver 10 in an inline position (Fig. 4), while the second detent 48 retains the screwdriver 10 in a bent position (Fig. 6). As shown in Fig. 5 of Alsruhe, to move the screwdriver 10 from the inline position to the bent position, the pin 90 moves out of the first detent 46, rides along a cam surface 50, and moves into the second detent 48. To accomplish this movement, an operator is only required to quickly flip the first housing 12 downwardly relative to the second housing 14 with a rapid movement of his/her wrist. During this movement, the operator does not move the activation member 70 to release the pin 90 from the first detent 46. Instead, by forcibly pivoting (i.e., without manually sliding or even contacting the activation member 70) the first housing member 12 relative to the second housing member 14, the pin 90 is moved out of the first detent 46 and rides along the cam surface 50, causing the activation member 70 to move rearwardly against the bias of the spring 80. Accordingly, the screwdriver 10 of Alsruhe is moveable between a straight configuration and a bent configuration even when the activation member 70 is not engaged by an operator, contrary to the teachings of the present invention as recited in Claim 23. Moreover, as explained above, a simple flipping motion is all that is required to move the first housing 12 relative to the second housing 14 of the screwdriver 10 of Alsruhe.

Such an arrangement, while desirable for a power screwdriver, is not desirable for a reciprocating saw. With a power screwdriver, an operator may wish to quickly switch between positions (e.g., inline and bent) by simply flicking his/her wrist or forcibly pivoting one housing member relative to another housing member. Power screwdrivers are generally lightweight making such "automatic" pivoting possible. In addition, power screwdrivers generally do not include sharp saw blades such that, if an operator did accidentally pivot the screwdriver, the

screwdriver would cause minimal (if any) damage to the operator and/or the surrounding environment.

In contrast, "automatic" pivoting is highly undesirable for reciprocating saws. First, reciprocating saws are generally heavier than screwdrivers, making wrist flicking physically difficult, if not impossible, to accomplish. Second, if a reciprocating saw did accidentally pivot, the reciprocating saw could cause catastrophic damage to an operator and/or the surrounding environment. Third, if a reciprocating saw did include a biasing member that is strong enough to bias a locking mechanism to prevent accidental pivoting, the biasing member would have a stiffness too great for many operators to forcibly overcome without an actuator. Therefore, a positive locking force (such as that provided by the recited locking mechanism) that can *only* be released by the operator (such as by actuating the recited actuator) is desired for a reciprocating saw.

Yang does not cure the deficiencies of Kikuchi, Nagel, and Alsruhe. Namely, Yang does not disclose a locking mechanism or an actuator and is not used by the Examiner for this part of the rejection.

Accordingly, Claim 23 is allowable. Claim 24 depends from Claim 23 and is allowable for the same, and other, reasons.

CONCLUSION

In view of the foregoing, entry of the present Amendment and allowance of the application are respectfully requested.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

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